

**CLASS DEVIATION  
FINDINGS AND DETERMINATION  
TO IMPLEMENT AN APPROPRIATIONS PROVISION RELATED TO  
INTERNAL CONFIDENTIALITY AGREEMENTS AND THE REPORTING OF  
FRAUD, WASTE, AND ABUSE**

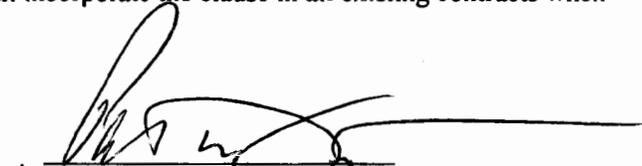
**Findings**

1. Section 743 of Division E, Title VII of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235) enacted on December 16, 2014 prohibits the use of funds appropriated or otherwise made available by Division E or any other Act for a contract, grant, or cooperative agreement with an entity that requires employees or subcontractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting employees or contractors from lawfully reporting fraud, waste, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.
2. The above prohibition does not contravene requirements applicable to any form or agreement issued by a Federal department or agency governing non-disclosure of classified information.
3. The Civilian Agency Acquisition Council (CAAC) issued CAAC Letter 2015-02 on February 27, 2015, authorizing agencies to require contracting officers to use the attached provision and clause to implement the prohibition while a FAR case is processed.
4. CAAC Letter 2015-02 serves as the CAAC Chair consult required of the agency official approving the class deviation in accordance with FAR 1.404(a)(1).

**Determination**

It is hereby determined that a class deviation is appropriate to implement the prohibition in Pub L. 113-235. Accordingly, contracting officers shall include the attached provision and associated clause in all solicitations and resulting contracts using Federal funds, to include acquisitions for commercial items under FAR part 12. Contracting Officers shall incorporate the clause in all existing contracts when obligating Federal funds.

  
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Joseph Waddell, Director  
Office of Acquisition and  
Supply Management, NNSA

  
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Paul Bosco, Director  
Office of Acquisition and  
Project Management, DOE

May 15, 2015  
Effective Date

**3 Attachments:**

1. Sec. 743, Div. E, Title VII of the Consolidated & Further Continuing Approp. Act, 2015, PL 113-235
2. CAAC Letter 2015-02
3. FAR 1.4 – Deviations from the FAR